

# The Trial Lawyer

A MAGAZINE FOR TRIAL LAWYERS AND VOICES FOR JUSTICE



**What's Really At Stake In November**

SPRING 2020

JERRY BYRD © 2020





**The National Trial Lawyers: Top 100** is an invitation-only organization composed of the premier trial lawyers from across the country who meet stringent qualifications as civil plaintiff and/or criminal defense trial lawyers. It is our mission to promote a unique and professional networking opportunity for trial lawyers, while developing progressive ideas to pursue justice for those injured by the negligence of others, to educate the public about the importance of access to courts that are free of bias and undue influence, and to protect the American right of trial by jury.

## Betsy A. Miller

*Cohen, Milstein, Sellers & Toll, PLLC • Washington, D.C.*

### **What was the first job you had?**

I was a waitress in a local ice cream restaurant, called Newport Creamery, from the time I was 15 until I graduated from high school. It involved long hours on my feet, learning the value of good customer service, and connecting with people. I can still scoop a perfect, 2.5-ounce ice cream sphere onto a sugar cone. Trivia fact: In Massachusetts (where I grew up), chocolate sprinkles are called “jimmies.”

### **What’s your proudest moment as a trial lawyer?**

One of my earliest and proudest courtroom moments happened during my very first oral argument in federal court. I was representing Wen Ho Lee, a Chinese-American nuclear physicist who was wrongfully accused of being a spy and sued the federal government and various media outlets to clear his name. My mentor — an amazing and generous lawyer named Brian Sun — let me argue the motion against top defense partners representing the New York Times, the LA Times, the Washington Post and the Associated Press. The judge looked at me standing alone at the podium, then she looked at opposing counsels’ table — filled with nearly a dozen of the most respected First Amendment lawyers in the country — and she said, “Well, gentlemen, it looks like Ms. Miller is out for bear today.” I won the motion.

### **What is your most notable verdict or settlement?**

From 2010 to 2017, I co-lead the litigation and negotiations that resulted in settlements with S&P and Moody’s valued at more than \$2.2 billion. I represented the states of Mississippi and New Jersey in their consumer fraud litigation against these companies for their role in creating the financial crisis of the late 2000s. I worked closely with the lead lawyers from the state of Connecticut and the U.S. Department of Justice to achieve a national resolution of these claims for 20 states and the federal government. These were the first cases to ever hold the nation’s largest and most trusted credit rating agencies accountable for their contribution to the financial crisis.

### **What do you like to do in your time off?**

In addition to spending time with my kindergartner, my husband, and our extremely handsome rescue dog, I like to be outside as much as possible. I ride my bicycle everywhere — to work, to run errands, and I even have a motorized tricycle that I use to take my son to school when the weather is nice. When I’m not spending time with my family, I am usually working on a speech, writing an article, or designing a workshop in service to my other passions — developing pathways for authentic leadership and helping women step into powerful roles with grounded confidence.

### **What’s your favorite hobby?**

I’ve been an athlete all my life. Once I hung up my soccer cleats in my mid-

thirties, I needed a new sport — so I became a certified fitness instructor. I teach HIIT, Barre, and post-partum fitness classes. Gym members are always surprised to learn about my “day job” as a litigator and leadership coach. I think the spandex throws them off.

### **What advice would you give a young attorney?**

Technique matters — and it takes years of practice to develop. Build a strong foundation early in your career by seeking out jobs and mentors to teach you and elevate your skills. But technical skills will only help you advance to a point. You need emotional intelligence — authenticity, the ability to listen and incorporate feedback, compassion, and grounded confidence — to become a successful leader. Our profession places a lot of value on expertise and achievement, but don’t let that overshadow the importance of maintaining a learner’s mindset. The minute you stop being curious about what you can learn is the moment you limit what you can accomplish. Practice soliciting, incorporating, and giving feedback. Integrate every setback as an opportunity to build capacity, resilience, maturity and perspective. And here’s a secret — you will find more mentors willing to invest their valuable time and energy in your development if you express a clear and sincere interest in learning something specific from them.